

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 THE MITCHELL LAW GROUP,

No. C-09-3466 MMC

12 Plaintiff,

13 v.

14 OCC VENTURE LLC,

**ORDER DENYING DEFENDANTS'
ADMINISTRATIVE MOTION TO FILE
EXHIBITS UNDER SEAL; DIRECTIONS
TO CLERK; DIRECTIONS TO
DEFENDANTS**

15 Defendant

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16 Before the Court is defendants OCC Venture LLC and Shorenstein Realty Services,
17 L.P.'s Administrative Motion to File Exhibits Under Seal, filed May 6, 2010. Plaintiffs have
18 not filed a response.¹ Having read and considered defendants' motion, the Court rules as
19 follows.

20 To the extent the motion seeks an order sealing Exhibit G to the Declaration of Paul
21 F. Utrecht, the motion is hereby DENIED. The exhibit is a copy of a transcript of
22 proceedings conducted in state court during which the parties placed on the record the
23 terms of a settlement, and the transcript was not sealed by the state court.

24 To the extent the motion seeks an order sealing Exhibits H and I to the Declaration
25 of Paul F. Utrecht, the motion is hereby DENIED. The exhibits are unexecuted written
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27
28 ¹Defendants attached to a declaration filed in support of the instant motion a copy of
an e-mail sent to them by counsel for plaintiffs in which plaintiffs set forth their position with
respect to the motion.

1 drafts of the parties' settlement agreement. As stated above, the essential terms of the
2 parties' agreement were placed on the record in open court, and defendants have not
3 pointed to any language in either draft that was not placed on the record and which is itself
4 sealable within the meaning of Civil Local Rule 79-5.²

5 Accordingly, the administrative motion is hereby DENIED.

6 Should defendants wish Exhibits G, H, and/or I to become part of the record,
7 defendants are hereby DIRECTED to electronically file such exhibits in the public record no
8 later than May 26, 2010. See Civil L.R. 79-5(e).

9 The Clerk is hereby DIRECTED to follow the procedure set forth in Civil Local Rule
10 79-5(e) with respect to the lodged originals and copies of Exhibits G, H, and I.

11 || IT IS SO ORDERED.

13 || Dated: May 20, 2010

Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge

²⁷ Although not relevant to resolution of the instant administrative motion, the Court
²⁸ notes that defendants do not cite to either Exhibits H or I in their memorandum of points
and authorities in support of their pending motion for summary judgment, and,
consequently, the relevance of the contents of the drafts is not apparent.